

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 03/12/2003 Item: 3.c.

File Number  
PDC 02-087

Application Type  
Planned Development Rezoning

Council District  
6

Planning Area  
Willow Glen

Assessor's Parcel Number(s)  
264-43-015;016;017;074

### PROJECT DESCRIPTION

Completed by: Anastazia Aziz

Location: South side of West Virginia Street approximately 200 feet westerly of Bird Avenue

Gross Acreage: 1.38

Net Acreage: 1.38

Net Density: 15 DU/AC

Existing Zoning: A(PD) Planned Development  
and CP Commercial Pedestrian

Existing Use: Commercial

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-family attached residential

### GENERAL PLAN

Completed by: AA

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: AA

North: Residential

R-2 Residence

East: Commercial Pedestrian

CP Commercial Pedestrian

South: Railroad and Residential

R-2 Residence

West: Railroad and Residential

R-2 Residence

### ENVIRONMENTAL STATUS

Completed by: AA

☐ Environmental Impact Report found complete on  
☐ Negative Declaration  
☒ Negative Declaration circulated on May 22, 2002

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: AA

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: AA

**Department of Public Works**

See attached memorandum.

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**Other Departments and Agencies**

See attached memoranda from Environmental Services, Fire Department, and Police Department.

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**GENERAL CORRESPONDENCE**

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None Received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Blackwell Brothers Development Co., is requesting a Planned Development Rezoning from CP Commercial Pedestrian and A(PD) Planned Development to A(PD) Planned Development to allow up to 20 single-family attached residential units (15 DU/AC) on a 1.38 gross-acre, triangular site. A common carrier depot (taxicab dispatch), vehicle repair facility and a vacant commercial establishment occupy the subject site. The small grocery shop located at the southwestern corner of Bird Avenue and West Virginia Street does not form part of this rezoning application.

Planned Development Zoning (File No. PDC01-019) was approved by the City Council in 2002 to allow up to 16 single-family attached for-sale units on the 1.2-gross acre taxicab dispatch property. Three- and four-bedroom units are distributed amongst four buildings and the buildings are aligned perpendicular to West Virginia Street with one driveway providing ingress and egress to the project from West Virginia (see attached staff report PDC01-019 for details). Subsequent to the approval of the zoning, the applicant acquired one of the two adjacent commercial parcels and is proposing to incorporate it into the approved project through this rezoning, resulting in an additional four units for a total of 20 units.

Of note, over 72 trains per day, Caltrain, Amtrak and freight, travel past the subject site on the adjacent active train line. Valley Transportation Authority (VTA) bus route No.64, with service to nearby Diridon Station and the Lincoln Avenue Neighborhood Business District, operates along Bird Avenue with bus stops located within short walking distance of the project. The subject site is located in the Greater Gardner Strong Neighborhood Initiative (SNI) area.

pedestrian walkway to Bird Avenue is provided between Buildings 4 and 5.

### **PUBLIC OUTREACH**

Notices of the Negative Declaration and the public hearings before the Planning Commission and City Council were distributed to the owners and tenants of all properties located within 1,000 feet of the project. Staff has been available to discuss the project with members of the public.

### **ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed in an Initial Study prepared for the original Planned Development Zoning (PDC01-019) which evaluated up to 22 residential units on the subject properties. A Draft Mitigated Negative Declaration was circulated for public review. The Draft Negative Declaration indicates that the proposed rezoning would not result in a significant environmental impact. A Phase I Environmental Report, Supplemental Soil and Water Investigation, an Archaeological Report, and Noise and Vibration Reports were prepared as part of the Initial Study. Mitigation has been incorporated into the project to reduce the impacts to a less than significant level.

### **GENERAL PLAN CONFORMANCE**

The site is designated *Medium Low Density Residential (8 DU/AC)* on the San Jose 2020 General Plan/Land Use Transportation Diagram. Although the project does not conform to this designation, the approved zoning (File No. PDC01-019) was determined to be in conformance with the General Plan based on the Two-Acre Rule Discretionary Alternate Use Policy. The subject rezoning also conforms based on the Two-Acre Rule, in that the subject site is appropriate for higher density infill development and the proposal will make efficient use of existing City services and will increase the housing supply in an area with public transit and pedestrian services.

### **ANALYSIS**

#### **Conformance with the Residential Design Guidelines (RDG)**

The key element of the Residential Design Guidelines that are relevant to the subject proposal remains integration with the existing neighborhood. This was an issue with the original Planned Development Rezoning and remains a project issue.

#### **Integration with the Existing Neighborhood**

The RDG specify that in existing neighborhoods, transitions between new projects and their surroundings

pedestrian access from the rear of each unit to the street, porch elements and additional architectural detailing at the ground-floor level to improve the street presence of this gateway project.

## **Conclusion**

Based on the above analysis, staff concludes that the proposed project provides an opportunity to further important goals and strategies of the General Plan for infill development within the Urban Service Area, and the project, with minor improvements, conforms to the Residential Design Guidelines and is compatible with the surrounding neighborhood.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is not consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC); however, the project may be found consistent with the General Plan under the Discretionary Alternate Use Policy, the Two Acre Rule, which allows development at the next higher density range; if the project is well-designed and compatible with surrounding uses.
2. The proposed project conforms to the Residential Design Guidelines.
3. The project furthers the goals and objectives of the City's infill housing strategies and will promote transit usage and pedestrian activity.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

### **Attachments:**

Location Map  
General Development Plan Notes  
Negative Declaration  
Plans

PDC01-019 Staff Report

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